

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
NOVEMBER 30, 2004  
**DRAFT**

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Thaeli presiding. Present were Commissioners Proctor, Sauls, Winchester, Rackleff, and DePuy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, and Deputy Clerk Sandra C. O'Neal. (Chairman Thaeli announced that Commissioner Grippa would be arriving at 6:00 p.m., that his flight was due in.)

Invocation was provided by Commissioner DePuy followed by the Pledge of Allegiance to the Flag.

*(Chairman Thaeli announced that Commissioner Grippa would be arriving at 6:00 p.m.)*

**Awards and Presentations**

- The attached resolution was presented to J. M. Bradley, Facilities Management, in honor of his retirement after 14 years of dedicated service to Leon County.
- A posthumous resolution was presented in honor of C. E. Walker, co-founder of the Walker-Ford Community Center, recognizing his life time commitment to Leon County citizens.

**Consent**

Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Grippa was not present), to approve the Consent Agenda as follows:

1. Approval of Minutes

The Board approved Option 1: Approve the minutes for October 14, 2004 Special Joint City/County Comp Plan Cycle 2005-1 Amendments.

2. Approval of Bills and Vouchers Submitted for November 30, 2004 and Pre-approval of Bills and Vouchers Submitted for December 1 – December 13, 2004.

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for November 30, 2004, and pre-approve payment

of bills and vouchers for the period December 1, 2004 through December 13, 2004:

3. Authorization to Negotiate and Enter into a Contract with Public Financial Management, Inc., for the Provision of Financial Advisory Services

The Board approved Option 1: Direct staff to negotiate a contract with Public Financial Management, Inc, and authorize the Chairman to execute. If a contract cannot be negotiated, authorize the re-issuance of the Financial Advisory Services RFP.

4. Approval of Federal and State Disaster Relief Funding Agreements for Hurricanes Charley, Frances, and Ivan

The Board approved Option 1: Approve the Disaster Relief Funding Agreements for Hurricanes Charley, Francis and Ivan, and authorize the Chairman to execute.

5. Acceptance of Byrne Sub-Grant for the Intoxilyzer 8000 Phase 2 Program

The Board approved Option 1: Accept the sub-grant and matching FDLE funds from the Byrne Anti-Drug Program for anti-terrorism equipment in the amount of \$87,025, authorize the Chairman to sign the Certificate of Acceptance and approve the budget resolution realizing the grant funds into the adopted budget.

6. Approval of Budget Amendment to Realize Additional Grant Proceeds for the Purchase of ADA Voting Machines

The Board approved Option 1: Approve the resolution and associated budget amendment realizing an additional \$139,422 of ADA voting systems assistance grant proceeds.

7. Approval of the Sheriff's Request for Utilization of Law Enforcement Trust Fund Monies

The Board approved Option 1: Approve the transfer of \$28,500 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for the funding of the requested programs.

8. Adoption of the Public Notice 2005 Tentative Schedule and Citizens Committees, Boards and Authorities 2005 Term Expirations and Vacancies

The Board approved Options 1 and 2: 1) Adopt the Public Notice 2005 Tentative Schedule and the Citizens Committees, Boards, and Authorities 2005 Term Expirations and Vacancies listing; 2) Schedule the 2006 Board Retreat for December 12, 2005 from 8:30 – 4:30 p.m.

9. Request to Reschedule the Workshop on the Draft of the Fairgrounds Market Feasibility Study for February 22, 2005 from 1:00 – 2:30 p.m.

The Board approved Option 1: Schedule a workshop on the Fairgrounds Market Feasibility Study for February 22, 2005 at 1:00 – 2:30 p.m.

10. Request to Approve Agreements with Each Volunteer Fire Department (VFD) to Provide Medical Direction

The Board approved Option 1: Approve the "Agreement for First Response Basic Life Support Services Medical Direction Services, with each of the following VFDs, and authorize the Chairman to execute each agreement: Chaires- Capitola VFD; Lake Jackson VFD; Lake Iamonia VFD; Lake Talquin Volunteer FD; Miccosukee VFD.

11. Acceptance of Status Report on the Targeted Business Pilot Program and an Update on Fringe Benefits Management Company's Ad Valorem Tax Reimbursement

The Board approved Options 1: Accept status report on the Targeted Business Pilot Program and update on the Fringe Benefits Management Company reimbursement.

12. Approval of Contract Extension with Apalachee Center for Human Services for Funding of Marchman and Baker Act Services

The Board approved Option 1: Approve the option to renew the contract and addendum with Apalachee Center for Human Services for the period of one year, from October 1, 2004 to September 30, 2005 for substance abuse and mental health services to Leon County residents.

13. Ratification of Extension to Pre-Disaster Mitigation Planning Agreement

The Board approved Options 1 and 2: 1) Ratify Modification #1 to Pre-disaster Mitigation Agreement; 2) Approve Modification #2 to Pre-disaster Mitigation Agreement.

14. Approval to Initiate Amendment to the Land Development Regulations to Delete "amusement parks" as a Permitted Use in the Urban Fringe Zoning District and Request to Schedule Public Hearings on Tuesday, January 25, 2005 and Tuesday, February 22, 2005 at 6:00 p.m.

The Board approved Options 1 and 2: 1) Initiate an amendment to the Land Development Code to delete "amusement parks" use from the Urban Fringe zoning district; 2) Schedule the public hearings on the proposed ordinance for Tuesday, January 25, 2005 and Tuesday, February 22, 2005, at 6:00 p.m.

15. Approval of the Minority/Women Business Enterprise (M/WBE) Consortium Interlocal Agreement

The Board approved Option 1: Approve the proposed Consortium Interlocal M/WBE Agreement with the City of Tallahassee and Leon County School Board and authorize the Chairman to execute.

16. Adopt Resolutions Transferring Property Rights and Execute Conveyances in Favor of Florida Department of Transportation to Facilitate Capital Circle Northwest Widening

The Board approved Option 1: Adopt the attached resolutions (R04-67 and R04-68) authorizing transfer of associated property rights and

authorize the Chairman to execute the County deeds in favor of the Florida Department of Transportation.

17. Approval to Award Bid to Clarke Mosquito Control Products, Inc., for the Purchase of Bti Granules

The Board approved Option 1: Approve the agreement with Clarke Mosquito Control Products, Inc., for the purchase of Bti granules and authorize the Chairman to execute.

18. Request to Schedule the First and Only Public Hearing Regarding the Pre-application for Authorization of a Water and Sewer Service Area for the Properties Fronting on the East Side of Velda Dairy Road in the Vicinity of Bradfordville Road for Tuesday, January 11, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the pre-application for authorization of a water and sewer service area for the properties fronting on the east side of Velda Dairy Road in the vicinity of Bradfordville Road for January 11, 2005 at 6:00 p.m.

19. Authorization to Renew Agreement with Leon County Sheriff's Office to Continue Utilizing Inmate Labor

The Board approved Option 1: Authorize renewal of the Inmate Work Crew Agreement with the Leon County Sheriff's Office and authorize the Chairman to execute.

20. Request to Schedule Two Public Hearings Regarding Amendments to the Leon County Flood Protection Ordinance on Tuesday, December 14, 2004 and January 11, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule two public hearings on proposed amendments to the Flood Protection Ordinance for December 14, 2004 and January 11, 2005 at 6:00 p.m.

21. Authorization for Reconveyance of an Existing Conservation Easement and Acceptance of a New Conservation Easement for the Ace Hardware Project

The Board approved Options 1 and 2: 1) Authorize staff to reconvey, via execution of a Quit Claim Deed, the County's claim and ownership of the existing conservation easement for the existing Ace Hardware Project; 2) Approve and accept for recording the proposed modified conservation easement for the proposed Ace Hardware expansion project.

22. Acceptance of Report on Development of Review and Permitting Process Prior to Voluntary Annexation

The Board approved Option 1: Accept the status report on development review and permitting prior to voluntary annexation.

23. Adoption of Proposed Revisions to the Leon County Concurrency Management Policies and Procedures Manual

The Board approved Option 1: Adopt the proposed revisions to the Leon County Concurrency Management Policies and Procedures Manual.

24. Approval of Travel Expenses for Commissioner Sauls to Attend the Florida Association of Counties (FAC) Legislative Conference in Sarasota County on December 1 – 3, 2004

The Board approved Option 1: Approve the travel request.

### **General Business**

25. Authorization to Apply for the Leon County Research and Development Authority's Technology Commercialization

This item requests Board authorization to apply for the Leon County Research and Development Authority's Technology Commercialization Grant Program.

Ben Pingree, Assistant to the County Administrator, explained that a call was received from Linda Nicholson, Executive Director, stating that the OCRDA may be uncomfortable because Ray Eaton sits on the OCRDA Board. He noted that if this grant were approved, it would actually approve a grant application that would be funded through the County to E-Group Systems, which is a company that Mr. Eaton works for.

The Board engaged in a lengthy discussion about previous grant funding discussions and referenced the minutes and budget workshops. Chairman Thael suggested that this item be funded by the County out of Contingency funds instead of the Commercialization Grant Program. He pointed out that this would assist 30 small businesses.

Agatha Muse-Salters, M/WBE Coordinator, explained the various partners and stated that the program would have an advisory group and criterion and policies would be set up for the businesses. She referenced the Disparity Study that called for a minority and small business enterprise program which could be accomplished through the grant.

Vice-Chairman Proctor assumed the Chair. Commissioner Thael moved and was duly seconded by Commissioner Rackleff to authorize staff to fund the Virtual Incubation Program in the amount of \$15,000 out of the County's contingency funds for the year beginning January 1, 2005.

Commissioner Grippa suggested that the County Commission use due diligence and consider the item itself rather than going through Innovation Park.

Commissioner Grippa moved a (friendly) substitute motion to move forward with a process to consider funding the item during this budget season and that it be staffed and reviewed.

Ray Eaton, 427 Teal Lane, explained that the project has been under development with the City and other partners for about four years and the project was not proposed as an Innovation Park Project, but a request was submitted to the Board at budget workshops. He pointed out that Commissioner Thael's recommendation was to go through Innovation Park. Mr. Eaton stated that he was not in favor of that and would not support the grant through Innovation Park.

Commissioner Grippa withdrew his substitute motion and moved another substitute motion, seconded by Commissioner DePuy, to deny this agenda item, and that the Board consider all incubators and all applicants, and have a County Grant program separate and apart from Innovation Park.

Bill Harris, 654 Doug Road, MBE Administrator for the City of Tallahassee, appeared and described the evolution of the small minority businesses' and incubator program.

Commissioner Rackleff indicated concern about setting up a County run incubator program and suggested a workshop be conducted.

Commissioner Grippa amended his substitute motion, seconded by Commissioner DePuy, to: 1) deny the agenda item; 2) move forward during budget season to look at this request along with other requests; 3) that the incubator be done through Innovation Park and through the work that has been done there, with the funding that is already in place, and that there be a competitive program in place.

The amended substitute motion carried 4 – 3 (Commissioners Thael, Rackleff, and Proctor voted in opposition).

*The Board then entered discussion regarding Item 27.*

26. Request to Schedule a Consistency Review by the Planning Commission and Schedule Two Public Hearings on a Proposed Volume Control Ordinance

Commissioner Winchester moved and was duly seconded by Commissioner DePuy to schedule a consistency review by the Planning Commission and two public hearings, one for January 25, 2004 and February 8, 2005. Commissioner Winchester asked the County Administrator to talk with the Planning Commission and suggest that they have a dialogue with the public and users.

Gary Yordon, 1306 Tootchin Nene, appeared and stated that he was speaking as an unofficial spokesperson for the City. He remarked that the proposed ordinance flies in the face of urban infill and people will be annexing into the City to avoid the Volume Control Ordinance. He stated that this will increase development costs and adversely affect affordable housing.

*(Commissioner Grippa arrived at 5:55 p.m.)*

The Board engaged in discussion about the City producing the water runoff, yet the City has a 1-inch volume control standard and the County will now have a 4-inch standard. The Board also talked about the importance of reducing downstream flooding, but at the same time, not make affordable housing harder to achieve and increase urban infill; suggested that City/County should strive for joint regulations. Board discussion involved: volume control and flooding; probable increase in development costs; concerns that the ordinance would only affect the unincorporated area; would the proposed ordinance have a significant impact on protecting water quality in the County's lakes; should there be regional water retention facilities; is there exemptions for sidewalks; there is a need for developers to be more creative when designing parking areas; how will this effect affordable housing; water issues should be part of the Southern Strategy. The Board emphasized the importance of having dialogue and public input and feedback on the proposed ordinance

Commissioner Grippa moved a substitute motion, seconded by Commissioner DePuy, to conduct a joint City/County workshop to deal solely with the flooding issue, and obtain participation/input from all interested organizations prior to the proposed ordinance going to the Planning Commission for consistency review.

Commissioner Winchester withdrew his motion, therefore the motion on the floor is up for consideration; there is no substitute motion on the floor.

Commissioner Proctor indicated that he thought that the City felt that the County is not charging enough for stormwater fee. Chairman Thael



indicated that progress is being made, that the City and County have both approved a watershed protection initiative and are in the process of an interlocal agreement.

John Kraynak explained that volume control addresses both flooding control and water control; all new water would have to be retained on the development site, so additional loadings downstream would not be produced.

At some point, Commissioner Winchester suggested that the Board discuss the water volume in Lake Jackson, that sinkholes continue to drain, and he will bring this back to the Board at a later time.

The motion on the floor carried unanimously, 7/0.

*(The Board then entered public hearing Item 34.)*

27. Approval to Establish an Emergency Fund for Community Human Services Partnership (CHSP) Funded Agencies

This item requests Board approval of an emergency funding process for currently funded Community Human Services Partnership (CHSP) agencies and approval to allocate \$61,000 from contingency to the process for the current fiscal year.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried 5 – 1 (Commissioner Proctor voted in opposition and Commissioner Sauls was of Chambers), to approve Options 1, 2, and 3: 1) Approve the process that will allocate emergency funding for Community Human Services Partnership (CHSP) funded agencies; 2) Approve the attached budget amendment form reallocating \$61,000 from Contingency to a newly established CHSP emergency fund; 3) Authorize the Brehon Institute to apply for emergency funds through the CHSP process.

28. Consideration of Mid-Year Funding Request of \$2,500 by Frenchtown Neighborhood Improvement Association and the Frenchtown Community Development Corporation for "Soul Santa"

Commissioner DePuy moved and was duly seconded by Commissioner Grippa and carried unanimously, 6/0 (Commissioner Sauls out of Chambers), to approve Option 1: Approve mid-year funding request from the Frenchtown Neighborhood Improvement Association (FNIA) for the Soul Santa event at \$2,500 from the Commissioner's Contingency Account.

29. Consideration of Bonding Communications Services Tax Revenue to Acquire Flooded Property

This agenda item is consideration of bonding the Communications Services Tax (CST) revenue to acquire flooded property. Staff's recommendation is to not proceed with developing a bond issue.

Commissioner DePuy moved and was duly seconded by Commissioner Rackleff to approve Option 1: Do not authorize staff to proceed with developing a bond issue supported by a \$1.0 million pledge that would generate approximately \$11.0 million in proceeds for the acquisition of properties on the Flooded Property Acquisition List. Commissioner DePuy stated that emergencies might come up over the life of the bonds and he did not want to tie up bonding money on the Communications Services Tax Revenue. Also, the fire services tax agreement with the City will be coming up for renegotiations in the next couple years.

Commissioner Grippa suggested that this is the best time to bond money for acquiring flooded property since interest is at an all time low and acquisition and property costs are going up. Alan Rosenzweig, Director of OMB, responded that the County has limited and low unincorporated revenues available to them except through property taxes; this is the only revenue stream that they have available to them when they became a charter government. He indicated the importance of leaving future commissions the flexibility of dealing with the revenues differently.

The Board engaged in discussion about the fire services agreement with the City and the possibility of costs increasing.

Commissioner Grippa stated that the money was set aside for flooded property acquisition and now the County would be breaking their promise to the citizens about purchasing flooded properties.

Commissioner Grippa suggested that this item be continued so staff can bring back information on revenues collected through the PST and CST, and determine how the funds are spent in the unincorporated area programs and if there are additional dollars.

Commissioner Proctor wanted to know the ratio of homes that are burned out and homes that are flooded out and asked what the highest demand in Leon County was over the past five years. Mr. Rozenzweig responded that many more people benefit from the fire services fee than from the flooded properties acquisition.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Winchester to continue this item. Commissioner Proctor

suggested incorporating into the motion, to look at commitments and promises made to flooded owners and look at the comparison for the demand for fire services.

Following some discussion, Commissioner Grippa withdrew his substitute motion.

The motion on the floor to approve option 1 carried 5 – 2 (Commissioners Grippa and Winchester voted in opposition).

30. Appointments to the Landfill Citizen's Liaison Committee

Commissioner Winchester moved and was duly seconded by Commissioner Grippa to approve Option 1: Appoint seven (7) members to the Landfill Citizen's Liaison Committee.

Commissioner Rackleff suggested the appointment of Glenn Abbott and Jessica Kleinfelter to be appointed to the citizen category.

Commissioner DePuy requested that this item be continued to give him time to review the purpose and responsibilities of the Committee and allow the County to receive additional applications.

Tony Park, Director of Public Works, explained the process and noticing that was done to obtain applications which involved public notice and listing on the Website.

Commissioner Grippa wanted to know if it was ethical for a person suing the County to serve on a committee. County Attorney Thiele explained that he does have concerns with that, although, it has been done before.

Commissioner Grippa indicated that a citizens committee should be representative of the entire community and not only citizens adjacent to the landfill. Commissioner Proctor suggested that members of the committee have a scientific/environmental background.

Commissioner Rackleff explained that there will be two committees, one is the Landfill Citizens Liaison Committee and the other is a committee for taking ideas for developing a park.

Commissioner Winchester withdrew his motion and then moved, duly seconded by Commissioner Grippa to continue the appointment of members to the Landfill Citizen's Liaison Committee to January 11, 2005 and requested staff bring back information on creating a new transfer station advisory committee. Chairman Thael clarified that if a citizen is interested in serving and/or a Commissioner has someone they wish to

pursue, the candidate should be encouraged to fill out an application, which is on the Web, and submit it to Christine Coble, Agenda Coordinator.

The motion on the floor carried unanimously, 6/0 (Commissioner Proctor was out of Chambers).

31. Reconsideration of Voluntary Annexation of the Villas at Pine Forest

This item involves consideration by the Board of the proposed voluntary annexation petition by the owners of approximately 40 acres located at 5510 B.J. Cox Road, 1056 Balkin Road, and a larger parcel situated between Balkin and Westway Roads with frontage on Center Drive.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Do not object to the voluntary annexation of the property, Villas at Pine Forest.

32. Reconsideration of Board Actions Taken on July 13, 2004 regarding the Deer Lane Drive Drainage Easements

The agenda item explains the Board actions taken on this matter which involved the homeowners paying the full cost of the drainage improvements at Deer Lane Drive and Chantilly Terrace, using the 2/3 method of assessment.

County Administrator Alam explained that the total cost of the project is approximately \$400,000 and there are about six residential homes involved. The Board's action on July 13<sup>th</sup> was to use the 2/3 project and assess the cost which was about \$66,000 per resident. Mr. Alam explained that this is not a unique situation, that there are other similar situations in the County

Joe Brown, Public Works, explained that staff's recommendation that was provided on July 13, 2004, is still the solution that is being proposed. Commissioner Rackleff talked about the excessive cost of the right of way. Mr. Brown responded that this includes acquiring a portion of the road which is needed for access to maintain the ditch.

Tony Carvajal, 3396 Deer Lane Drive, appeared and thanked staff for all they have done on the problem. He summarized the flooding problems and circulated material including pictures of the subject site, and stated that he thinks that staff is looking at the wrong portion of the problem. He stated that the problem occurs before the water even gets onto the private road; basically the water is coming down Deer Lane and Chantilly, which are County roads, and drains directly from the surface road into his

driveway. Mr. Carvajal pointed out that the large problem is that the water never hits the ditches or the drains and stays on the surface road and empties directly into his yard. He pointed out that the water coming down the surface road should be directed into the drainage ditches that are on county property, ahead of that private road. If rain is greater than an inch, water runs down his driveway because of the problem, and Mr. Carvajal pointed out that this has been going on for some 35 years according to the previous owner, although the problem has exacerbated.

The Board and staff engaged in discussion and various issues were raised:

- Staff should determine if property owners will donate the easement – Commissioner Grippa indicated that the main concern was the cost of purchasing land – if land is donated there would be no purchase
- Commissioner Grippa suggested that this is not a flood acquisition item, but it involves fixing a County conveyance
- Commissioner Proctor wanted explanation showing why this project should be made a priority and put ahead of other projects – The County Administrator responded that staff is not recommending that the item be put ahead of other projects
- Should the subject project be placed ahead of other flooded property owners who are on a waiting list
- Where will the funding come from for the project – County Administrator Alam pointed out that if the Board approves the item, the only source of funding would be the \$5 million surplus in the 308 Fund (which the Board discussed at the workshop today and which would reduce the money they set aside for Tharpe Street improvements) or from Contingency dollars; should the item be taken up during the 2005 budget hearings
- Similar situations were involved in the Cloudland Drive and Rainbow Acres projects – the County Administrator responded that these were 2/3 projects and the County did contribute some dollars - Commissioner Sauls asked that information on this be brought back to the Board

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 1: Rescind Board actions taken at the July 13, 2004 Regular meeting regarding Deer Lane Drive drainage improvements. (Commissioner Grippa stated that this would put the item back on the table for a reasonable solution.)

Commissioner DePuy explained, for the record, that these are public roads that are county-maintained and the County is not going on private property and providing relief for something that is the responsibility of a private property owner, so he does not believe that this is a precedent-setting move.

Commissioner Grippa moved, duly seconded by Commissioner DePuy and carried unanimously, 6/0 (Commissioner DePuy out of Chambers), to instruct staff to work with Mr. Carvajal and bring back an agenda item at the January 25, 2005 Board meeting that addresses funding and solutions for fixing the drainage problems. Commissioner Grippa suggested looking at creative ways of addressing the issue such as funding from the legislature since there are wetlands nearby.

34. Request for Reimbursement of Attorney's Fees and Costs by Former Commissioner Rudy Maloy

This item is whether to approve the request for reimbursement of attorney's fees and costs by former Commissioner Maloy pursuant to Board of County Commissioner's Policy No. 03-02.

County Attorney Thiele opined that the request does not meet the criteria of the County's reimbursement Policy No 03-02 and recommended denial of the request. He explained that this is a claim and not a lawsuit.

Commissioner Grippa asked about the defense of the two lawsuits in this matter and Mr. Thiele responded that the two pending lawsuits are being defended by outside counsel and there is inclination to remove them as counsel. He stated that he would discuss the matter with Commissioners privately. Commissioner Grippa stated that he would defer this discussion until he can talk with the County Attorney, but he would like this to be a public discussion unless there are overriding reasons that it would hurt the County's case. Commissioner Grippa also requested that the County Attorney provide a copy of the ordinance on the Board's Rules and Procedures. Mr. Thiele advised that he would bring back the policy at the December 14, 2004 Board meeting.

Commissioner Proctor remarked that he has not over immersed himself on this item and would accept counsel's advice.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Deny the request for reimbursement of attorney's fees and costs.

*The Board then entered discussion under "Citizens to be Heard."*

**Scheduled Public hearings, 6:00 p.m.**

34. First of Two Public Hearings to Adopt a Proposed New Chapter 163 Development Agreement Regarding Hopkins Crossing North

Pursuant to legal advertisement, a public hearing was scheduled to be conducted.

County Attorney Thiele informed the Board that the applicant would like the public hearing continued.

Commissioner Winchester moved and was duly seconded by Commissioner Proctor to continue the first public hearing to Tuesday, December 14, 2004 at 6:00 p.m., and schedule the second public hearing for January 11, 2005 at 6:00 p.m.

Commissioner Grippa questioned the protocol regarding the Chairman and Commissioners placing items, especially public hearings, on the Board's agenda. County Attorney Thiele responded that the policy allows the County Administrator, County Attorney, and Chairman to place items on the agenda. Commissioner Grippa requested that the policy be brought back to the Board.

Chairman Thaeli suggested that protocol and policy be discussed at the Board's Annual Retreat.

Commissioner Grippa requested that the County Attorney distribute a copy of the present policy to Commissioners.

(Since the Board Retreat precedes the next Board Meeting, the policy on placing items on the agenda would be discussed at the retreat.)

35. First and Only Public Hearing to Amend Sections, 14-40, 14-41, and 14-46 of the Leon County Code of Laws regarding Leon County Lot Mowing Ordinance Number 04-11

Pursuant to legal advertisement, a public hearing was conducted to amend the Sections of the ordinance listed above and to identify additional residential zoning districts and include language to address environmentally sensitive areas.

Commissioner Winchester moved and was duly seconded by Commissioner Sauls to approve Option 1: Conduct the first and only public hearing to amend Section 14-40, 14-41 and 14-46 of the Leon County Code of Laws regarding Leon County Lot Mowing Ordinance No. 04-11 and to identify additional residential zoning districts and include language to address environmentally sensitive areas.

Commissioner Proctor pointed out that the Code Enforcement Board (CEB) recommended against the ordinance since no complaints have been referred to the CEB.

The motion carried 6 – 1 (Commissioner Proctor voted in opposition).

See attached Leon County Ordinance Number 04-41:

36. First of Two Public Hearings on a Proposed Ordinance Amending the Land Development Code to Clarify Allowable Density in the Residential Preservation Zoning District

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner DePuy moved and was duly seconded by Commissioner Winchester to approve Options 1 and 2: 1) Continue the first public hearing on the proposed ordinance amending the Land development regulations, providing for clarification regarding allowable density in the residential preservation zoning district, to Tuesday, January 25, 2004 at 6:00 p.m., 2) Reschedule the second public hearing on the proposed ordinance amending the land development regulations, providing clarification regarding allowable density in the residential preservation zoning district, to Tuesday, February 8, 2005 at 6:00 p.m.

Commissioner Proctor requested that the Board address the rural zoning district of 1 unit per 10 acres. David McDevitt, GEM, briefly explained the policy. The Chairman suggested that this topic be considered under another format.

Sam McArthur, 1620 Highland Drive, appeared and urged the Board to consider the land development regulations carefully and suggested moving slowing.

Staff was directed to provide colored, detailed maps at the second public hearing.

The motion on the floor carried unanimously, 6/0 (Commissioner Proctor was out of Chambers).

37. First and Only Public Hearing to Approve the Deviation from Development Standards Request and the Proposed Type "C" Site and Development Plan for the Proposed Tower Creek Residential Subdivision

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Rackleff expressed concerns with the internal traffic circulation of the subdivision and the limited access and egress to connecting roads since there was only one entrance and exit to Tower Road and the same to Woodlake Circle.



Commissioner Winchester wanted to know what the impact of the subdivision would be on Tower Creek Park as it relates to the needs of future residents. He requested that staff bring back plans on improving Tower Park and that Parks and Recreation staff look at adding lights at the Tower park ball field.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor out of Chambers), to approve Option 1: Conduct the first and only public hearing and approve the deviation from development standards request and the proposed Type "C" Site and Development Plan for the proposed Tower Creek Residential Subdivision based on the findings of fact, conclusions of law, and conditions of approval set forth in the recommendation of the DRC, including the recommended design alternative that the project be developed as a public subdivision.

38. First and Only Public Hearing to Approve Type "C" Site and Development Plan for the Proposed Apalachee Hills Residential Subdivision

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved and was duly seconded by Commissioner DePuy to approve Option 1: Conduct the first and only public hearing and approve the Type "C" Site and Development Plan for the proposed Apalachee Hills Residential Subdivision, based on findings of fact, conclusions of law, and conditions of approval set forth in the recommendation of the DRC.

Commissioner Rackleff expressed concern regarding internal traffic circulation within the subdivision and noted that there is only one entrance/exit to Apalachee Parkway. He wanted to know if certain requirements regarding circulation of traffic could be developed.

Chairman Thael suggested a review of the County's Land Development Regulations that allow this type of internal traffic circulation design.

The motion carried unanimously, 7/0.

**Citizens to be Heard on Non-Agendaed Items (6-minute limit)**

Lila Richardson, 3017 Baron Road, President of Crown Ridge Estates Homeowners' Association, appeared and asked about her previous request for assistance on the 2/3 project fee payments. It was noted that the County Attorney is in the process of working on the item which

involves analyzing ways to lessen the impact of the 2/3 assessment, and will bring back an agenda item.

Chairman Thaeil cautioned the Board about getting into a trend about providing private benefits, noting that the County tries to keep property taxes down; when policies and programs are changed, it becomes a different program and all private problems cannot be remedied.

Ms. Richardson also talked about several problems she encountered with Leon County Health and Human Services Division and the housing rehabilitation contractor, Reynolds, on replacement of her roof and how the leak ruined her furnace. She circulated the contract to the County Attorney.

County Attorney Thiele explained that the contractor has been brought to the Contractors' Licensing Board. The Board requested that the County Attorney provide a report on Ms. Richardson's complaints and the Contractor's Licensing Board. Commissioner Proctor also requested a staff report outlining the factual information regarding the leaky roof, broken furnace, and the County's contract with Reynolds, and how this matter can be rectified. Mr. Thiele stated that he would need assistance with the County Administrator's Office.

### **County Attorney**

Reported that he provided the Board with a memorandum indicating that his office received a 51-page Complaint challenging the Board's decision on the Summerfield PUD (Planned Unit Development). The County Attorney will proceed to defend.

### **Discussion Items by Commissioners**

#### **Commissioner Proctor**

Requested a resolution for Dean Melvin Smith, recognizing his outstanding citizenship and contribution to the Leon County community. The resolution will be presented at a luncheon in his honor on December 4, 2004.

#### **Commissioner Grippa**

- a. Requested that staff look into reinstituting the pick-up of TVs as part of the County's recycling program.

- b. Stated his concerns that a permit was required for the Bradley Days event but no permit was issued for the Car Show held on Bannerman Road and was attended by 1,000 students.

David McDevitt, GEM, explained the situation relating to Bradleys and the car show. He informed the Board of the difficulty the Sheriff's Department is having in shutting down events that have no permit.

Following some discussion, the Board directed the County Attorney to amend the Temporary Use Ordinance to "beef up" enforcement of the ordinance.

Commissioner Winchester

- a. Stated that he did not want a change in the appraisal of property in the Flooded Property Acquisition Program. (Commissioner Winchester stated that it is currently appraised at the value preceding the last know flood and should remain so.)
- b. Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to direct the County Attorney to draft an ordinance requiring jake brakes on semi trucks and bring back to the Board for consideration.
- c. Requested the County Administrator communicate with Escambia County to determine their needs and offer help after the devastation from Hurricane Ivan.

*Chairman Thael* reminded the Board of the Board's Annual Retreat which will take place on December 13, 2004.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Approved: \_\_\_\_\_  
Cliff Thael  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer

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